

**AN ORDINANCE**

**06-O-0494**

**BY COUNCILMEMBERS HOWARD SHOOK, H. LAMAR WILLIS, CARLA SMITH, CLETA WINSLOW, CLAIR MULLER, IVORY LEE YOUNG, JR., JOYCE SHEPERD, NATALYN ARCHIBONG, JIM MADDOX, KWANZA HALL AND C. T. MARTIN**

**AS SUBSTITUTED BY  
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO AMEND THE TREE  
PROTECTION ORDINANCE TO EXEMPT  
HOMEOWNERS FROM RECOMPENSE AND  
REPLACEMENT FOR ONE TREE PER YEAR; AND  
FOR OTHER PURPOSES.**

**WHEREAS**, the most recent City of Atlanta's Tree Protection Ordinance was adopted in January, 2003; and

**WHEREAS**, the enforcement of the Tree Protection Ordinance by the Office of Buildings, Office of Parks and the Tree Conservation Commission during the last two years has revealed areas of the ordinance that may need revisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

**Section 1:** The Tree Protection Ordinance shall hereinafter exempt homeowners from the recompense and replacement requirements associated with the removal of one tree per year. Accordingly, the following changes are hereby made to the Code of Ordinances:

Code of Ordinances section 158-102 shall be amended by adding a new section (c) that shall read as follows:

- (c) Each residential homeowner shall have one tree per year that is exempt from the posting, replacement and recompense portions of this article, and from section 158-102(a)(3) above, whereby the homeowner may remove the tree without posting, replacing the tree or paying recompense, provided that, when measured at 4.5 feet above ground level, the tree is entirely on the homeowner's property, and:
  - (1) The homeowner receives, or has applied for and within ninety days receives, a homestead exemption on the property from which the tree is being removed; and
  - (2) The homeowner applies for and receives a permit from the Office of Buildings for the tree removal and posts the permit visibly on her/his property. The homeowner's application must include two pictures of the tree at issue that identify the species of tree.

**Section 2:** All ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.